

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

RICKY SMITH,

Petitioner,

-vs-

WARDEN, Lebanon Correctional
Institution,

Respondent.

:

Case No. 1:11-cv-240

:

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

**ORDER ADOPTING REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL
REPORT AND RECOMMENDATIONS**

This matter is before the Court on the Report and Recommendations (Doc. 19) and the Supplemental Report and Recommendations (Doc. 21) of United States Magistrate Judge Michael Merz, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Plaintiff filed objections to the Report and Recommendations (Doc. 20), but did not file any objections to the Supplemental Report and Recommendations. The time for filing such objections to the Supplemental Report and Recommendations under Fed. R. Civ. P. 72(b) expired on April 5, 2012.

Proper notice was given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Upon review pursuant to 28 U.S.C. § 636 and Fed. R. Evid. 72(b), the Court finds the recommendations in the Report and Recommendations and the Supplemental Report and Recommendations of the Magistrate Judge to be correct. Accordingly, the Court hereby **ADOPTS**

the Report and Recommendations (Doc. 19) and the Supplemental Report and Recommendations (Doc. 21) and **ORDERS** that the Petition is **DISMISSED WITH PREJUDICE**. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies that an appeal would not be taken in objective good faith.

s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court